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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,670	01/18/2001	Jeffrey Scott Eder	AR - 16	5377

53787 7590 03/29/2010

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 03/29/2010

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/761,670	Applicant(s) EDER, JEFFREY SCOTT	
	Examiner SIEGFRIED E. CHENCINSKI	Art Unit 3695	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 January 2010 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 3695

Continuation of 10. Other (including any explanation in support of the above items): 1. The brief contains an improper cancellation of claims 43-84. Claims must be cancelled in a separate submission. In an Appeal Brief Appellant may choose to only appeal a portion of the claims which are the subject of final rejection. No such paper cancelling these claims appears on the record. If Appellant disagrees, Appellant is asked to cite the rule in the MPEP which permits cancellation of claims in an Appeal Brief.

2. Appellant is advised that the word "intelligent" does not appear in the disclosure, which is the original submission of the specification, claims and drawings. This creates the condition of new matter in independent claim 85 and also will create an indefiniteness rejection under 35 USC 112-2nd paragraph since the preamble's stated purpose of the claim of an intelligent method is not fulfilled in the claimed limitations. If Appellant wishes to continue to claim an intelligent method Appellant is advised to file a Continuation In Part (CIP) application which contains an explanation of the subject of an intelligent method in the specification. A Request for Continued Examination (RCE) will be required in Appellant's current application should Appellant choose to amend claim 85 in order to remove the word "intelligent" from the preamble of claim 85. Appellant could also cancel the above number of claims with the RCE.